

Subpart G—Severance Pay

AUTHORITY: 5 U.S.C. 5595; E.O. 11257, 3 CFR, 1964–1965 Comp., p. 357.

SOURCE: 55 FR 6593, Feb. 26, 1990, unless otherwise noted.

§ 550.701 Introduction.

This subpart contains regulations of the Office of Personnel Management to implement the provisions of 5 U.S.C. 5595. These regulations authorize severance pay for employees who are involuntarily separated from Federal service and who meet other conditions of eligibility.

§ 550.702 Coverage.

Except as provided in 5 U.S.C. 5595(a)(2) (i) through (viii), this subpart applies to each full-time or part-time employee; that is, an employee with a regularly scheduled tour of duty who is serving under a qualifying appointment, as defined in § 550.703.

§ 550.703 Definitions.

In this subpart:

Agency means an agency as defined in 5 U.S.C. 5595(a)(1), except the government of the District of Columbia.

Commuting area means the geographic area that normally is considered one area for employment purposes. It includes any population center (or two or more neighboring ones) and the surrounding localities where people live and reasonably can be expected to travel back and forth daily to work.

Employee means an employee as defined in 5 U.S.C. 5595(a)(2), except an individual employed by the government of the District of Columbia.

Immediate annuity means—

(a) A recurring benefit payable under a Federal civilian or military retirement system that begins to accrue within 1 month after separation; or

(b) An annuity under § 842.204(a)(1) of this chapter for which the commencing date has been postponed under § 842.204(c) of this chapter.

Inefficiency means unacceptable performance or conduct that leads to a separation under part 432 or 752 of this chapter or an equivalent procedure.

Involuntary separation means a separation initiated by an agency against

the employee's will and without his or her consent for reasons other than inefficiency, including a separation resulting from the expiration of a time-limited appointment effected within 3 calendar days after separation from a qualifying appointment. In addition, when an employee is separated because he or she declines to accept reassignment outside the commuting area, the separation is "involuntary" if the employee's position description or other written agreement does not provide for such a reassignment. However, an employee's separation is not "involuntary" if, after such a written mobility agreement is added, the employee accepts one reassignment outside the commuting area, but subsequently declines another such reassignment.

Nonqualifying appointment means an appointment with an intermittent work schedule, and the following appointments regardless of work schedule:

- (a) A Presidential appointment;
- (b) An emergency appointment;
- (c) An excepted appointment under Schedule C; a noncareer appointment in the Senior Executive Service, as defined in 5 U.S.C. 3132(a); or an equivalent appointment made for similar purposes; and
- (d) A time-limited appointment that is not made effective within 3 calendar days after separation from a qualifying appointment, including—
 - (1) A term appointment;
 - (2) A temporary appointment pending establishment of a register (TAPER);
 - (3) An overseas limited appointment with a time limitation;
 - (4) A limited term or limited emergency appointment in the Senior Executive Service, as defined in 5 U.S.C. 3132(a), or an equivalent appointment made for similar purposes; and
 - (5) A limited executive assignment under part 305 of this chapter or an equivalent appointment made for similar purposes.

Qualifying appointment means—

- (a) A career or career-conditional appointment in the competitive service or the equivalent in the excepted service;
- (b) A career appointment in the Senior Executive Service;